IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.6760 OF 2006

Shri. Vilas Bhimrao Patil. ...Petitioner.
Vs.
The State of Maharashtra and ors. ...Respondents.

.....

Mr. Narendra Bandiwadekar for the Petitioner.

Smt.S.S.Bhande,AGP.for the Respondent No.1 and 3 to 5.

Mr.S.V. Dhakephalkar for the Respondent Nos.2.

.....

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 03rd April, 2007

P.C.

1. Heard.

2. The order passed by the respondent No.2-Management on 3.10.2006 absorbing the petitioner as Asstt. Teacher in the school at Nandurbar is challenged by the petitioner.

3. The case of the petitioner is that he was working in the school run by the respondent No.2- Management at Bombay as a Head Master of the school. That school has been closed in 2005. The petitioner contended that the Management or the Education Officer should have absorbed

the petitioner with the same Management or some other Management as a Head Master. Since his representation was not considered, the petitioner had earlier approached this court by Writ Petition No.1424 of 2006 and this court directed by order dated 11.8.2006 to the Education Officer to consider the representation made by the petitioner. After having considered the said representation, the Education Officer had directed the respondent No.2 -Management to absorb the petitioner in the service and in view of that order, petitioner has been absorbed. However, the grievance of the petitioner is that since the petitioner was working as Head Master at the time of closure of the school, the respondent NO.2-Management should have absorbed the petitioner as a Head Master. We do not find any merit in the case of the petitioner and the submissions made on behalf of the petitioner. The respondent No.2 is a Multi School Management and, therefore, there is common seniority list of the Head Masters and Asstt.Teachers maintained by the said Management. The respondent No.2-institution is having in all three school. Out of three schools, one school at Bombay has been closed. Now the respondent is running two schools i.e. one at Dhule and another at Nandurbar. We have looked into the common seniority list and we have noticed that one C.S. Patil and Mr. D.S. Koli are working as Head Masters in the school at Nandurbar and Dhule respectively. They are

admittedly senior most persons than the petitioner working with the respondent No.2- Management. As against this, we find that the name of the petitioner is at Sr.No.12 in the said seniority list and therefore, the respondent No.2-Managment is not in a position to absorb the petitioner as Head Master in the aforesaid schools. We find that the absorption has been properly made by the Management.

4. No interference is called for. Hence, petition is rejected.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**